

.UNITED STATES DISTRICT COURT.
DISTRICT OF MASSACHUSETTS

ERIC KELLEY (Plaintiff)

V.

SHERIFF DiPAUOLO e.a.t.l.

04-11192NMG

AMENDMENT FOR
CONTINUED VIOLATIONS
CONCERNING STATE
PRISON PLACEMENT
WHILE AWAITING TRIAL
(pre-trial detainee)

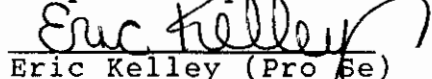
The plaintiff has filed several motions concerning unconstitutional placement in the state (PRISON) system, while he is/was a pretrial detainee awaiting trial (unconvicted).

The defendants have sent the plaintiff to the maximum security prison (Cedar Junction) in Walpole, Mass. Not only does BROWN V. COMMISSIONER prohibit the placement of a (**convicted**) man in a District Court disposition, it makes it clear that a unconvicted man must not be housed in Walpole.

This plaintiff has been placed in the "Disciplinary Segregation Unit" (here-after D.S.U.). The plaintiff was sent to said unit because he sought to exercise his right to file a Joinder Plaintiff Class Action motion. (See Exhibit) No hearing was ever held. The plaintiff is locked up for 23 hours per. day, denied the minimal law library access for a Pro Se defendant in his criminal matter.

"D.S.U." was developed for the most reculerant, rebellious, dangerous, violent **convicted** inmates in the prison system. Plaintiffs placement is unconstitutional and grossly violates Due Process.

Respectfully:


Eric Kelley (Pro Se)
Box 100
South Walpole, Mass.

**MEMORANDUM OF LAW
AMENDMENT OF THE
Pre-Trial Detainee
Matter.**

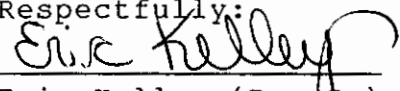
BROWN V. COMMISSIONER

In Brown V. Commissioner, the courts ruled that a person convicted in District (State) court, could not be housed in M.C.I. Cedar Junction at Walpole. Here we have this palintiff (**UNCONVICTED**) of any crime, placed in M.C.I. Walpole without a hearing. He has been placed in the Disciplinary Unit without (ANY) due process of law.

THE RIGHT TO FILE CLASS ACTION

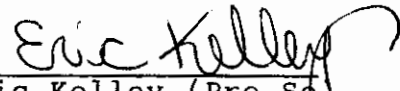
Re: EDWARDS V. WHITE 501 F.Supp. 8 (MD)
633 F2d. 209 (3rd Cir. 1980)

Respectfully:


Eric Kelley (Pro Se)

CERTIFICATE OF SERVICE

I Eric Kelley (the plaintiff) sent a copy of this motion to the defendants at 40 Thorndike St. (Atty. Massey) on: August 10 by regular mail.


Eric Kelley (Pro Se)